

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 27, 2008**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Patrick, Ruchti, Vander Woude.

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Kjerstin Case, Page.

Approval of Journal

February 27, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-first Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 26, 2008

Mr. Speaker:

I transmit herewith enrolled **SCR 125** and **S 1349** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **SCR 125** and **S 1349** and, when so signed, ordered them returned to the Senate.

February 26, 2008

Mr. Speaker:

I transmit herewith **S 1390**, **S 1402**, **S 1403**, as amended, **S 1415**, as amended, **S 1422**, as amended, and **S 1431**, as amended, which have passed the Senate.

WOOD, Secretary

S 1390, **S 1402**, **S 1403**, as amended, **S 1415**, as amended, **S 1422**, as amended, and **S 1431**, as amended, were filed for first reading.

Report of Standing Committees

February 27, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 561**, **H 562**, **H 563**, **H 564**, **H 565**, **H 566** and House Amendments to **H 517**, **H 526**, **H 529**, **H 380**, **H 382**, **H 531**, and **S 1372**.

CLARK, Chairman

H 561, **H 562**, **H 563**, and **H 564** were referred to the Revenue and Taxation Committee.

H 565 was referred to the Resources and Conservation Committee.

H 566 was referred to the Education Committee.

February 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 390**, **H 387**, **H 360**, **H 419**, **H 420**, and **H 352**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 390**, **H 387**, **H 360**, **H 419**, **H 420**, and **H 352**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 517**, as amended, **H 526**, as amended, **H 529**, as amended, **H 380**, as amended, **H 382**, as amended, and **H 531**, as amended.

CLARK, Chairman

H 517, as amended, **H 526**, as amended, **H 529**, as amended, **H 380**, as amended, **H 382**, as amended, and **H 531**, as amended, were filed for first reading of engrossed bills.

February 26, 2008

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 543** and recommend that it do pass.

NONINI, Chairman

H 543 was filed for second reading.

February 26, 2008

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration **H 545** and recommend that it do pass.

BARRETT, Chairman

H 545 was filed for second reading.

February 26, 2008

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 458** and recommend that it do pass.

LOERTSCHER, Chairman

H 458 was filed for second reading.

February 25, 2008

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 481** and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

H 481 was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 48 BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING DISCUSSIONS REGARDING THE CHALLENGES FACING EFFORTS TO INCREASE CONCURRENT ENROLLMENT AND PROPOSING SOLUTIONS THAT CAN BECOME THE FOUNDATION FOR POLICY DISCUSSIONS DURING THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, concurrent enrollment is being widely discussed within Idaho; and

WHEREAS, concurrent enrollment is entering a rapid growth phase throughout the state and attracting greater interest among high school students because it allows them to accelerate their education and become better prepared for postsecondary education; and

WHEREAS, high school students who take college level classes are more likely to succeed at the college and university level or in professional-technical courses; and

WHEREAS, concurrent enrollment opportunities are increasing and concurrent enrollment is being offered by most colleges and universities within the state; and

WHEREAS, concurrent enrollment could actually reduce educational costs to the taxpayers and reduce college and university expenses for families of the state of Idaho; and

WHEREAS, the Governor of the state of Idaho, the House of Representatives and Senate Education standing committees, the State Board of Education, the Department of Education, the Joint Finance-Appropriations Committee and state colleges and universities all see the value of increasing concurrent enrollment; and

WHEREAS, a clear vision of how to proceed has not yet developed among the different stakeholders; and

WHEREAS, questions remain unanswered concerning: from where funding for concurrent enrollment should come, and how to offer more classes to more students in more high schools.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage the Governor of the state of Idaho, the State Board of Education, the Department of Education, state colleges and universities and other interested parties to join members of the Legislature in discussions regarding the challenges facing efforts to increase concurrent enrollment and proposing solutions that can become the foundation for policy discussions during the First Regular Session of the Sixtieth Idaho Legislature.

HCR 48 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 567 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3622O, IDAHO CODE, TO PROVIDE THAT THE IDAHO DIGITAL LEARNING ACADEMY IS AN EDUCATIONAL INSTITUTION AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 568 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO URBAN RENEWAL DISTRICTS, REVENUE ALLOCATION AREAS AND COMPETITIVELY DISADVANTAGED BORDER COMMUNITY AREAS; AMENDING SECTION 50-2904, IDAHO CODE, TO PROVIDE THAT ADDITIONS TO THE LAND AREA OF AN URBAN RENEWAL DISTRICT, REVENUE ALLOCATION AREA OR COMPETITIVELY DISADVANTAGED BORDER COMMUNITY AREA SHALL NOT AFFECT THE ORIGINALLY ESTABLISHED DATE OF DURATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2905, IDAHO CODE, TO REQUIRE ADDITIONAL INFORMATION IN THE PLAN SUBMITTED BY AN URBAN RENEWAL AGENCY TO THE LOCAL GOVERNING BODY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2907, IDAHO CODE, TO REQUIRE A CERTIFIED REPORT TO BE SUBMITTED TO THE COUNTY CLERK AND THE STATE TAX COMMISSION BY JANUARY 10 OF EACH YEAR, TO REQUIRE VERIFICATION BY THE STATE TAX COMMISSION OR THE COUNTY COMMISSIONERS OF COMPLIANCE WITH LAW REGARDING THE LIMITATION ON THE BASE ASSESSMENT ROLL OF A REVENUE ALLOCATION AREA AND TO PROVIDE A PROCEDURE IF A REVENUE ALLOCATION AREA IS NOT IN COMPLIANCE; AND AMENDING SECTION 63-215, IDAHO CODE, TO PROVIDE ADDITIONAL LIMITATIONS ON FORMING AND MAINTAINING CONTIGUOUS BOUNDARIES, TO REQUIRE

CERTIFICATION BY THE STATE TAX COMMISSION OF LIMITATIONS ON ALLOWABLE ASSESSED VALUATION OF TAXABLE PROPERTY IN A REVENUE ALLOCATION AREA AND TO PROVIDE DIRECTION TO THE STATE TAX COMMISSION IF IT IS DETERMINED THAT A REVENUE ALLOCATION AREA IS NOT IN COMPLIANCE.

HOUSE BILL NO. 569
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE SPECIAL OLYMPICS IDAHO FUND; AMENDING SECTION 36-111, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-823, IDAHO CODE, TO PROVIDE FOR THE SPECIAL OLYMPICS IDAHO FUND; AMENDING SECTION 63-3067A, IDAHO CODE, TO REVISE FUNDS AUTHORIZED TO RECEIVE CERTAIN MONEYS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 63-3067B, IDAHO CODE, TO REVISE FUNDS AUTHORIZED TO RECEIVE CERTAIN MONEYS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 570
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND REAPPROPRIATING A CERTAIN UNEXPENDED AND UNENCUMBERED BALANCE.

HOUSE BILL NO. 571
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

H 567, H 568, H 569, H 570, and H 571 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1390, by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

S 1402, by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Local Government Committee.

S 1403, as amended, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

S 1415, as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

S 1422, as amended, and **S 1431**, as amended, by Judiciary and Rules Committee, was introduced, read the first time by title,

and referred to the Judiciary, Rules, and Administration Committee.

S 1372, as amended in the House, by Judiciary and Rules Committee, was read the first time by title and filed for second reading.

First Reading of Engrossed Bills

H 517, as amended, and **H 382**, as amended, by Judiciary, Rules, and Administration Committee, were read the first time by title and filed for second reading.

H 526, as amended, by Transportation and Defense Committee, was read the first time by title and filed for second reading.

H 529, as amended, by Revenue and Taxation Committee, was read the first time by title and filed for second reading.

H 380, as amended, by Business Committee, was read the first time by title and filed for second reading.

H 531, as amended, by State Affairs Committee, was read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 560, by Appropriations Committee, was read the second time by title and filed for third reading.

H 532, by Education Committee, was read the second time by title and filed for third reading.

S 1265, S 1267, and S 1268, by Resources and Environment Committee, were read the second time by title and filed for third reading.

S 1318, as amended, **S 1339**, as amended, **S 1357, S 1325, S 1326, S 1327, S 1328, S 1331, S 1333, and S 1334**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

H 476, H 477, and H 480, by Business Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

S 1319 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall **S 1319** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker,

Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Roberts, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Stevenson, Thayne, Thomas, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused--Black, Durst, Patrick, Ringo, Ruchti, Snodgrass, Vander Woude. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **S 1319** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1320 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith to open debate.

The question being, "Shall **S 1320** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Roberts, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Stevenson, Thayne, Thomas, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused--Black, Patrick, Ringo, Ruchti, Snodgrass, Vander Woude. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **S 1320** passed the House. Title was approved and the bill ordered returned to the Senate.

H 472 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Chavez to open debate.

The question being, "Shall **H 472** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Roberts, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Stevenson, Thayne, Thomas, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused--Black, Patrick, Ringo, Ruchti, Snodgrass, Vander Woude. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 472** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 514 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

The question being, "Shall **H 514** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Patrick, Ruchti, Smith(24), Vander Woude. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 514** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke asked unanimous consent that **H 491** retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

Mr. Bedke asked unanimous consent that **H 552** retain its place on the Third Reading Calendar until Friday, February 29, 2008. There being no objection, it was so ordered.

H 555 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Brackett to open debate.

The question being, "Shall **H 555** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Barrett, Hagedorn. Total -- 2.

Absent and excused--Patrick, Ruchti, Vander Woude. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 555** passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the Governor
and the Senate**

February 27, 2008

Mr. Speaker:

I return herewith **H 445** which has passed the Senate.

WOOD, Secretary

H 445 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 27, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 445**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 445**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, February 28, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:13 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk